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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ARTHUR R. TILFORD

Appeal 2009-010929
Application 09/590,417
Technology Center 2400

Before ALLEN R. MACDONALD, ROBERT E. NAPPI, and
CARLA M. KRIVAK, Administrative *Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the rejection
of claims 35 through 68.

We reverse.

INVENTION

The invention is a system for displaying audio/visual information which makes use of a set top box and a handheld computing device. The handheld computing device receives, stores, and transmits audio/visual information to and from the set top box. The hand held computing device also translates user commands into commands to control the set top box. *See* pages 4 and 5 of Appellant's Specification. Claim 35 is representative of the invention and is reproduced below:

35. A system of displaying audio/visual information on an output device using a set top box and a hand held computing device to store the audio/visual information and control the set top box, the system comprising:

(a) two or more set top boxes (STBs) for controlling a display of audio/visual information, wherein each STB is configured to:

(i) receive broadcast audio/visual information;

(ii) transmit audio/visual information to a hand held computing device;

(iii) receive audio/visual information from the hand held computing device;

(iv) transform the audio/visual information received from the hand held computing device to a form suitable for presentation on an output device; and

(v) cause the transformed audio/visual information to be displayed on the output device;

(b) the hand held computing device configured to:

(i) receive a user command from a user;

- (ii) translate the user command into a command signal;
- (iii) control one or more of the STBs using the command signal;
- (iv) receive audio/visual information from a first STB;
- (v) store the received audio/visual information;
- (vi) transmit the stored audio/visual information to a second STB for display on the output device.

REFERENCES

Schindler	5,675,390	Oct. 7, 1997
Perlman	6,169,879 B1	Jan. 2, 2001
Huang	6,437,836 B1	Aug. 20, 2002

Hewlett-Packard Co., *HP Jornada 430/430se Palm-size PC: User's Guide*, pp.7-9, 43-54 (1999) ("HP Jornada").

Business Wire, *PocketTV Brings Video to Palm-size PC* (Mar. 9, 2000), retrieved from Internet Archive Wayback Machine, <http://web.archive.org/web/20000816034339/www.palmsizepc.com/mar2000-14-1.html> (Apr. 16, 2003) ("PocketTV").

REJECTIONS AT ISSUE

The Examiner has rejected claims 35 through 68 under 35 U.S.C. § 103(a) as being unpatentable over Perlman in view of PocketTV and Huang. The Examiner's rejection is on pages 5 through 13 of the Answer.¹

¹ Throughout this decision we refer to the Examiner's Answer dated January 27, 2009.

The Examiner has rejected claims 35 through 68 under 35 U.S.C. § 103(a) as being unpatentable over Schindler in view of PocketTV and Huang. The Examiner's rejection is on pages 13 through 21 of the Answer.

ISSUE

Rejection based upon Perlman in view of PocketTV and Huang

Appellant argues, on pages 9 through 20 of the Brief and pages 10 through 24 of the Reply Brief², the Examiner's rejection based upon Perlman in view of PocketTV and Huang is in error. Appellant's arguments present us with the issue of whether the Examiner erred in finding that the combination of Perlman in view of PocketTV and Huang teaches a handheld computing device used to control the set top box as well as receive, store, and transmit audio/visual information to the set top box.

Rejection based upon Schindler in view of PocketTV and Huang

Appellant argues, on pages 27 through 32 of the Brief and pages 34 through 37 of the Reply Brief, the Examiner's rejection based upon Schindler in view of PocketTV and Huang is in error. Appellant's arguments present us with the issue of whether the Examiner erred in finding that the combination of Schindler in view of PocketTV and Huang teaches a handheld computing device used to control the set top box as well as receive, store, and transmit audio/visual information to the set top box.

² Throughout this decision we refer to the Brief dated October 29, 2008, and Reply Brief dated March 27, 2009.

ANALYSIS

Rejection based upon Perlman in view of PocketTV and Huang

We have reviewed Appellant's arguments in the Briefs and we concur with Appellant's conclusion that the combination of the references does not teach a handheld computing device used to control the set top box as well as receive, store, and transmit audio/visual information to the set top box. The Examiner relies upon the disclosure of PocketTV becoming a miniature VCR and Perlman's teaching of connecting a set top box to a VCR as suggesting that the PocketTV handheld device would transmit audio/video information back to the set-top box for display. Answer 32. While we concur that Perlman teaches a VCR and PocketTV equates the device to a miniature VCR, we do not find that the evidence supports a finding that PocketTV allows for the audiovisual information to be transmitted to the set-top box for display. Further, while we recognize that the Examiner has presented documentation of HP Jornada to show that hand held computing devices can transfer files, we do not find this teaches that the handheld device would transmit audio/video information back to the set-top box for display. Answer 33. Thus, we will not sustain the Examiner's rejection of claims 35 through 68 under 35 U.S.C. § 103(a) as being unpatentable over Perlman in view of PocketTV and Huang.

Rejection Schindler in view of PocketTV and Huang

We have reviewed Appellant's arguments in the Briefs and we concur with Appellant's conclusion that the combination of the references does not teach a handheld computing device used to control the set top box as well as receive, store, and transmit audio/visual information to the set top box. As

with the rejection based upon Perlman in view of PocketTV and Huang, the Examiner relies upon PocketTV to teach the claimed handheld device. As discussed *supra*, we do not find that the evidence supports the finding. Thus, we will not sustain the Examiner's rejection of claims 35 through 68 under 35 U.S.C. § 103(a) as being unpatentable over Schindler in view of PocketTV and Huang.

CONCLUSION

Appellant has persuaded us of error in the Examiner's decision to reject claims 35 through 68.

DECISION

The decision of the Examiner to reject claims 35 through 68 is reversed.

REVERSED

msc